



APPLICATION TO MODIFY A CONSENT (SECTION 96)

MADE UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (SECTION 75A),
ROADS ACT 1993 (SECTION 138), LOCAL GOVERNMENT ACT 1993 (SECTION 158)
AND PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1993

RN: 100 283102

Contact Us	
The General Manager, 725 Pittwater Road, Dee Why NSW 2099 or Customer Service Centre, Warringah Council, 18 Dee Why	
Email	council@warringah.nsw.gov.au
Fax	9942 2606
If you need help lodging your application call Customer Service on (02) 9942 2111 or come in and talk to us at the Civic Centre, Dee Why	

Office Use Only											
WLEP 2000 Locality						WLEP 2011 Zone B5					
M	O	D	2	0	1	6	/	0	0	7	0
D	A	2	0	1	3	/	1	4	2	2	
Locality LEP 2000						40 Metre Buffer			Wave Impact		
Category LEP 2000						Acid Sulfate			Slip Zone A+B		
☒ Owners Consent						Bushfire Zone			Flood Zone		
☒ Lot and DP						Heritage			Vegetation		

For applicable fees and charges, please refer to Council's website warringah.nsw.gov.au or contact our Customer Service Centre.

Privacy and Personal Information Protection Notice

The personal information requested in this form is required by or under the Environmental Planning and Assessment Act 1979 and will only be used by Warringah Council in connection with the requirements of that Act and any other relevantly applicable legislation relating to the subject-matter of this application. The information is being collected for the following purposes, namely, to enable us to (1) process and determine your application, (2) contact you in relation to your application should that be necessary, and (3) keep the public informed by making the application publicly accessible. If you do not provide the information, Council will not be able to process your application, and your application will be rejected.

Your application will be available to Councillors and Council Officers. Members of the public have certain rights of access to information and documents held by Council under the Government Information (Public Access) Act 2009 (GIPA), and under the Privacy and Personal Information Protection Act 1998 (NSW) to the extent permitted by those Acts.

Warringah Council is to be regarded as the agency that holds the information, which will be stored on Council's records management system or in archives and may be displayed on E-Services Online (except as regards to personal particulars). You have a right to access information within the meaning of the Privacy and Personal Information Protection Act 1998 (NSW) on application to Council, and to have that information updated or corrected as necessary. Please contact Warringah Council if the information you have provided is incorrect or changes or if access is otherwise sought to the information. In addition, a person may request that any material that is available (or is to be made available) for public inspection by or under the Local Government Act 1993 (NSW) be prepared or amended so as to omit or remove any matter that would disclose or discloses the person's place of living if the person considers that the disclosure would place or places the personal safety of the person or of members of the person's family at risk. Any such request must be made to Council's General Manager see s 739 of the Local Government Act 1993 (NSW).

Part 1: Summary Application Details

1.1 APPLICANT(S) DETAILS	
Applicant(s) name	ZAKI PROPERTY PTY LTD
Owner(s) name	ZAKI PROPERTY PTY LTD
If any owner/applicant of this development application is a current employee or elected representative of Warringah Council	☐ Warringah Council Employee
	☐ Elected Representative
Full applicant details to be completed in Part 3 of the application form	

Part 2: Application Details

2.1 LOCATION OF THE PROPERTY			
We need this to correctly identify the land. These details are shown on your rates notice, property title etc.			
Unit Number		House Number	7-9
Street	FEDERAL IDE	Suburb	BROOKVALE
Lot			11
Sect			
DP/SP			100 998

Part 2: Application Details

2.2 DEVELOPMENT CONSENT	
Development consent no	DA2013 / 1422 & MOD 2014 / 0301
Date of Determination	11 JULY 2014 & 20 MARCH 2015
Description of Consent	DEMOLITION WORKS & CONSTRUCTION OF A CHILDCARE CENTRE

2.3 DETAILS OF MODIFICATION		
(a) Give details of manner and extent of modification	MODIFICATION OF CONDITION 57:	
	TO INCREASE CHILDREN NUMBERS FROM	
	165 TO 212 CHILDREN.	
(b) Modification Type	Section 96(1) - Modification to correct a minor error, misdescription or miscalculation	
	Section 96AA - Modification to a consent issued by the Land & Environment Court	
	Section 96 (1A) - Modification involving changes with a minimal environmental impact	☒
	Section 96 (2) - Modification involving changes other than minimal environmental impact *	
* most modifications are normally this type		

2.4 DETAILS OF ORIGINAL CONSENT	
Was the consent integrated?	Yes ☐ No ☒
Approval under s68 Local Government Act 1993	Yes ☐ No ☒
Approval under s138 Roads Act 1993	Yes ☐ No ☒
Heritage item or within conservation area	Yes ☐ No ☒

2.5 TREES	
Drip line is the outermost edge of the canopy of the tree	
Does the modification involve works within the drip line of a tree? (either on your property or an adjoining site)	Yes ☐ No ☒
Does this proposal involve removal of tree(s)?	Yes ☐ No ☒

2.6 BASIX/NATHERS CERTIFICATE	
The proposed modification remains consistent with the current BASIX certificate	Yes ☐ No ☒ N/A.
If no, a new BASIX certificate must be submitted with modifications	

Part 2: Application Details

2.7 DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

Note gift means a gift within the meaning of section 84 of the Election Funding & Disclosures Act 1981. Failure to disclose relevant information is considered an offence under Part 6 section 96H of the Election Funding and Disclosures Act 1981.

Under section 147 of the Environmental Planning and Assessment Act 1979 any reportable political donation to an elected representative of Warringah Council (Mayor or Councillor) and/or any gift to an elected representative or Warringah Council employee within a two (2) year period commencing two (2) years before the date of this application and ending when the application is determined must be disclosed.

Are you aware of any person with a financial interest in this application who made a reportable donation or gave a gift in the last two (2) years?

Yes

No

If yes, complete the Political Donation Declaration and lodge it with this application.

If no, in signing this application I undertake to advise the Council in writing if I become aware of any person with a financial interest in this application who has made a political donation or has given a gift in the period from the date of lodgement of this application and the date of its determination.

For further information visit Council's website at warringah.nsw.gov.au/plan_dev/PoliticalDonationsBill.aspx

2.19 DIGITAL REQUIREMENTS FOR PLANS, REPORTS AND OTHER DA DOCUMENTS

All applications must be accompanied by a digital data disc (CD or USB), containing all plans, reports and other documentation lodged with the application, in accordance with the following requirements:

- Files must be in PDF format and be able to be opened in Council's digital system.
- Each of the following (as applicable) is required to be a separate PDF file with the following file names.
 - Plans - Survey
 - Plans - Notification (Site Plan and Elevation Plans only with no internal layouts or floor plans)
 - Plans - Master Set (all plans including internal and external plans)
 - Plans - Internal (all plans showing any internal layouts and/or floor plans and sections only)
 - Plans - External (all plans excluding any internal layouts eg Site Analysis Plan, Site Plan, Roof Plan, Elevation Plans, Landscape Plan, Schedule of External Finishes, Photomontage etc)
 - Stormwater Plans - (Engineering Drawings, Erosion and Sediment Control etc)
 - Engineering Plans (Driveway, Road etc)
 - Plans - Certification of Shadow Diagrams with Plans (no internal layouts or floor plans) and/or Plans - Basix Plans
 - Report - Statement of Environmental Effects
 - Report - BASIX Certificate
 - Report - Bushfire
 - Report - Geotechnical
 - Report - Traffic and Parking Assessment
 - Report - Flora and Fauna
 - Report - Waste Management
 - Report - Access
 - Report - Noise
 - Report - Other (include detail of report provided)
 - Report - Heritage
 - Cost Summary Report Quote and/or Quantity Surveyors

(Please do not include internal layouts or floor plans in Reports)

- Plans - Revised (name of plan)
- Reports - Revised (name of report)

Applications without a correctly formatted digital data disc (CD or USB) will not be accepted.

I confirm that the attached Disc/USB contains file names that match the hard copies submitted with this application.

Disclaimer: Any plans supplied which include internal or floor plans where it clearly states above that they are not to be included, then the signature on the Development Application Form is taken to be an acknowledgment and acceptance that all relevant plans and reports will be released online.

Yes

MODIFY A CONSENT CHECKLIST

Required**Supplied**

Contact Council if you are unsure what details will be required for your modification application

	Yes	No	Why Not
PREPARING YOUR APPLICATION			
Three (3) copies of all documentation, <u>including the application form</u> are required Only one (1) copy of the checklist is required Additional copies of documentation may be requested Highlight in colour all proposed additions/amendments on the plans	YES		
OR			
Major development new commercial, industrial and residential flat buildings Seven (7) copies of all documentation, <u>including the application form</u> are required Only one (1) copy of the checklist is required Additional copies of documentation may be requested Highlight in colour all proposed additions/amendments on the plans			
A4 PLANS Proposed modifications must be highlighted, or otherwise identified.			
- Provide one (1) copy of A4 size reductions of the site plan and elevations to be double-sided (excluding floorplans) - Plans are to be legible, including dimensions and wording These plans need not include interior detail that may affect your rights to privacy. However, if such plans are provided, then the signature on the Development Application Form acknowledges and accepts that all relevant A4 plans submitted will be used for public notification purposes	YES		
NON NOTIFICATION CHECKLIST			
If this was submitted with the original development application and the proposed modification still meets the criteria on the relevant checklist available from warringah.nsw.gov.au/plan_dev/online_forms.aspx Planning and Development /Online forms/Development Applications - Non Notification			
PLANS			
Plans must be drawn to scale (preferably 1:100 or 1:200) Free hand, single line or illegible drawings will not be accepted The following information should be included on all plans and documents - Applicant(s) name(s) - Property address (block/house/shop/flat number) - Lot number, Section number and Deposited Plan / Strata Plan number - Measurements in metric - The position of true north - Draftsman/architect name, date, plan name and number, plan version, and revision	YES		
SURVEY PLAN			
A survey plan will be required if the proposed modification involves changes to the works footprint and the original survey submitted with the development application is more than two (2) years old		N/A	
SITE ANALYSIS PLAN			
An amendment site analysis plan must be submitted if the proposed modification involves external changes to the building A site plan is a birds-eye view of the existing approved and proposed development on the site and its position in relation to boundaries and neighbouring developments Please refer to the Development Application Checklist for details to be included in a site analysis plan		N/A	
FLOOR PLAN			
An amended floor plan must be submitted if the proposed modification involves changes to the internal layout A floor plan is a birds-eye view of your existing and/or proposed layout of rooms within the development Please refer to the Development Application Checklist for details to be included in a floor plan	YES		

	Yes	No	Why Not
ELEVATION PLAN			
Amended elevations must be submitted if the proposed modification involves external changes to the building Elevation plans are a side-on view of your proposal. Include drawings of all affected elevations (north, south, east and west facing) of your development. Please refer to the Development Application Checklist for details to be included in a elevation plan.			N/A
SECTION PLAN			
Amended sections must be provided where relevant A section is a diagram showing a cut through the development at the most typical and critical points.			N/A
SECOND STOREY			
Amended elevations and sections showing proposed external finishes and heights, side boundaries and relevant side boundary envelope under WLEP 2011/WDCP are to be provided if the proposed modification involves external changes to the building.			N/A
REVISED STATEMENT OF ENVIRONMENTAL EFFECTS			
This is a written statement which demonstrates the applicant has considered the impact of the proposed modification on the natural and built environments both during and after construction, and the proposed method of mitigating any adverse effects. The revised statement of environmental effects must address how the development responds to the relevant provisions of State Environmental Planning Policies, the relevant Warringah Local Environment Plan and Warringah Development Control Plan as relating to the modification proposal and all existing conditions of consent which will be affected by the modifications. In addition, indicate that the proposed modification does not substantially alter the original proposal and justify the form of the application (ie, s96 (1), s96 AA, s96 (1A) or s96 (2)). Please refer to the Development Application Checklist for details to be included in the revised statement of environmental effects.			YES
REVISED SHADOW DIAGRAMS			
- Amended shadow diagrams must be submitted for proposals that involve external changes to the height, bulk or setbacks of the building. - All shadow diagrams must be accompanied by the Certification of Shadow Diagrams form available from warringah.nsw.gov.au, Planning and Development /Online Forms /Development Applications			N/A
REVISED SUBDIVISION PLAN (Torrens or Strata)			
If you are planning to amend your approved subdivision you will need to supply a plan showing the approved subdivision and proposed changes, with land title details (including number of lots).			N/A
REVISED LANDSCAPING PLAN			
An amended landscape plan is to be submitted if the proposed modification results in changes to approved landscape areas.			N/A
REVISED BASIX AND NATHERS CERTIFICATE			
A revised BASIX certificate may be required. Please refer to www.basix.nsw.gov.au or phone the BASIX Help Line on 1300 650 908.			N/A
REVISED ADVERTISING STRUCTURE/SIGN (Advertising applications only)			
If you are planning to modify an advertising structure or sign you will need to supply relevant details as contained in the Development Application checklist for advertising structures.			N/A
REVISED STATEMENT OF HERITAGE IMPACT			
A revised statement of heritage impact is required for all modifications involving heritage items or works to buildings in conservation areas.			N/A
REVISED EROSION AND SEDIMENT CONTROL PLAN			
A revised erosion and sediment control plan is required for all works that require excavation if proposed changes affect the approved erosion and sediment control plan.			N/A

	Yes	No	Why Not
REVISED WASTE MANAGEMENT PLAN			
A revised waste management plan is required for new multi-unit residential or commercial developments if proposed changes affect the approved waste management program	YES/		
REVISED CONTAMINATED LAND MANAGEMENT			
A revised contamination report must be submitted if the site was identified under the original application as being a contaminated site, or if previous activities on site indicate a potential for contamination	N/A		
REVISED ON-SITE STORMWATER DETENTION CHECKLIST/STORMWATER PLANS			
If proposed changes will affect stormwater disposal please provide amended stormwater drainage plan in accordance with Council's Stormwater Technical specification (including submission of the On-site Stormwater Detention Checklist) IIsax or drains model are to be supplied on CD in accordance with Council's OSD Technical Specification	N/A		
REVISED GEOTECHNICAL REPORT - LAND SLIP AREA			
A revised geotechnical report is required for developments located in a slip zone if approved footprint or excavation is proposed to be amended	N/A		
BUSHFIRE HAZARD ASSESSMENT REPORT			
A revised Bushfire Hazard Assessment report is required to be submitted with all applications The Report shall be commensurate to the scope of the modifications and shall address how the development (as modified) responds to the requirements of Planning for Bushfire Protection (most recent version)	N/A		
REVISED ARCHAEOLOGICAL REPORT			
A revised archaeological report is required where the site may be impacted by items of archaeological significance if approved footprint or excavation is proposed to be amended	N/A		
REVISED FLORA AND FAUNA ASSESSMENT			
A revised flora/fauna impact report under section 5A of Environmental Planning and Assessment Act 1979 as amended is required where proposed changes will further impact on a protected species	N/A		
REVISED ACID SULPHATE SOIL MANAGEMENT PLAN			
A revised acid sulphate management plan is required for prone sites if approved footprint or excavation is proposed to be amended	N/A		
INTEGRATED DEVELOPMENT			
If the original application was identified as an integrated development - Two (2) additional copies of documentation as determined by consent authority - Fees made out to each integrating authority	N/A		
FIRE SAFETY MEASURES SCHEDULE (BCA Class 2 TO 9)			
A statement from an accredited certifier is required detailing whether the proposed modification will affect any fire safety measures	N/A		
REVISED FLOOD REPORT			
A revised flood risk assessment is to be provided if the site is flood prone and any proposed changes involve building footprints or floor levels	N/A		
REVISED HYDROLOGICAL REPORT (WATERTABLE)			
A revised hydrological report is to be provided if proposed changes involve enlarging or deeper excavations	N/A		
REVISED ARBORIST REPORT			
A revised arborist report is required if proposed changes will impact on any trees	N/A		
REVISED TREE CONSTRUCTION IMPACT STATEMENT			
A revised tree construction impact statement is required if proposed changes will impact on any trees	N/A		

	Yes	No	Why Not
REVISED TREE CONSTRUCTION IMPACT STATEMENT			
A revised tree construction impact statement is required if proposed changes will impact on any trees			N / A
REVISED ACCESS REPORT			
A revised access report will be required if proposed changes will impact on access requirements under the Disability Discrimination Act 1992			N / A
REVISED TRAFFIC AND PARKING REPORT			
A revised traffic and parking report is required if proposed changes involve parking layout, number of parking spaces, or traffic generation			YES /
REVISED MONTAGE			
A revised montage is required (where originally submitted) if the modification involves significant colour/design changes to the external facade			N / A
REVISED COLOURS AND FINISHES SAMPLE BOARD			
A revised colour and finishes sample board is required (where originally submitted) if the modification involves significant colour/design changes to the original facade			N / A
REVISED BUILDING CODE OF AUSTRALIA (BCA) REPORT			
A revised BCA report is required where modifications have impacted on the original BCA report submitted			YES /
NOTE SPECIFIC DETAILS OF INFORMATION TO BE SUBMITTED IN ANY OF THE ABOVE DOCUMENTS CAN BE FOUND IN THE DEVELOPMENT APPLICATION CHECKLIST.			

OFFICE USE ONLY	
Quality Checking Officer	SJ.
Comments	No Geo tec & Survey on Previous Plans DA 2013/1422.
Checked by	
Quality Checking Officer	
Duty Officer	